

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 541

Introduced by Campbell, 25.

Read first time January 21, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the medical assistance program; to amend
2 section 68-912, Revised Statutes Cumulative Supplement,
3 2008; to exempt certain adult dental services from
4 limitations as prescribed; and to repeal the original
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-912, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 68-912 (1) The department may establish (a) premiums,
4 copayments, and deductibles for goods and services provided
5 under the medical assistance program, (b) except as provided in
6 subsection (5) of this section, limits on the amount, duration,
7 and scope of goods and services that recipients may receive
8 under the medical assistance program, and (c) requirements for
9 recipients of medical assistance as a necessary condition for the
10 continued receipt of such assistance, including, but not limited
11 to, active participation in care coordination and appropriate
12 disease management programs and activities.

13 (2) In establishing and limiting coverage for services
14 under the medical assistance program, the department shall consider
15 (a) the effect of such coverage and limitations on recipients
16 of medical assistance and medical assistance expenditures, (b)
17 the public policy in section 68-905, (c) the experience and
18 outcomes of other states, (d) the nature and scope of benchmark or
19 benchmark-equivalent health insurance coverage as recognized under
20 federal law, and (e) other relevant factors as determined by the
21 department.

22 (3) Coverage for mandatory and optional services and
23 limitations on covered services as established by the department
24 prior to July 1, 2006, shall remain in effect until revised,
25 amended, repealed, or nullified pursuant to law. Any proposed

1 reduction or expansion of services or limitation of covered
2 services by the department under this section shall be subject
3 to the reporting and review requirements of section 68-909.

4 (4) Except as otherwise provided in this subsection,
5 proposed rules and regulations under this section relating to the
6 establishment of premiums, copayments, or deductibles for eligible
7 recipients or limits on the amount, duration, or scope of covered
8 services for eligible recipients shall not become effective until
9 the conclusion of the earliest regular session of the Legislature
10 in which there has been a reasonable opportunity for legislative
11 consideration of such rules and regulations. This subsection does
12 not apply to rules and regulations that are (a) required by
13 federal or state law, (b) related to a waiver in which recipient
14 participation is voluntary, or (c) proposed due to a loss of
15 federal matching funds relating to a particular covered service
16 or eligibility category. Legislative consideration includes, but
17 is not limited to, the introduction of a legislative bill, a
18 legislative resolution, or an amendment to pending legislation
19 relating to such rules and regulations.

20 (5) The department shall exempt dental services provided
21 to adult recipients from limits on the amount, duration, and scope
22 of goods and services under the medical assistance program if the
23 recipient (a) is pregnant, (b) has a dental condition which if
24 untreated would (i) worsen an existing disease or medical condition
25 or (ii) cause increased costs for treatment of an existing disease

1 or medical condition, (c) has a dental condition which requires
2 a specific sequence of treatment that cannot be provided over a
3 length of time without violating basic dental standards of care,
4 (d) experienced trauma to the mouth or teeth and without immediate
5 dental treatment would suffer loss of front permanent teeth, or
6 (e) is a first-time eligible recipient under the medical assistance
7 program in Nebraska.

8 Sec. 2. Original section 68-912, Revised Statutes
9 Cumulative Supplement, 2008, is repealed.